

THE PENSION COMMITTEE OF THE UNIVERSITY OF
MONTREAL PENSION PLAN, *et al.*,

V.

Defendants.

Oral Argument Requested

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Banc of America Securities LLC's Motion to Dismiss Citco Fund Services (Curacao) N.V.'s Second Cross Claim, and upon the Declaration of Peter K. Vigeland in support thereof, dated September 2, 2009, and the exhibits thereto, and upon all prior proceedings herein, Defendant Banc of America Securities LLC, by and through its undersigned counsel, will move this Court before the Honorable Shira A. Scheindlin, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 15C, New York, New York, 10007, at a time and date convenient for the Court, for an Order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing Citco Fund Services (Curacao) N.V.'s Second Cross Claim against Banc of America

Securities LLC for failure to state a claim upon which relief can be granted and granting such other relief as this Court may deem just and proper.

Counsel for Banc of America Securities LLC certifies, pursuant to Section III(B) of the Court's Individual Rules and Procedures, that it has exchanged letters with counsel for Citco Fund Services (Curacao) N.V. in an attempt to eliminate the need for this motion.

Dated: September 3, 2009
New York, New York

Respectfully submitted,

By: /s/ Peter K. Vigeland

Peter K. Vigeland
Paul M. Winke

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